



U.S. Department of Justice


Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

May 23, 2000

MEMORANDUM FOR THE ATTORNEY GENERAL

FROM: Robert Raben 
Assistant Attorney General

SUBJECT: Weekly Report for May 22, 2000 - May 26, 2000

THIS WEEK

Classified Evidence: On May 23, the House Judiciary Committee (Hyde, Chair) is holding a hearing on the use of classified evidence. INS General Counsel Bo Cooper and FBI General Counsel Larry Parkinson are testifying for the Department. (First)

VAWA: On May 23, staff from the Office of Legislative Affairs, the Office of Policy Development and the Violence Against Women Office are meeting with Senate Judiciary Committee staff regarding the reauthorization of the VAWA grant programs. In addition, staff from OLA, OPD and VAWO attended a White House meeting last week with representatives of the women's groups to discuss VAWA II legislation. A similar White House meeting is scheduled for today, May 23, with representatives of law enforcement organizations. Finally, OLA, OPD and VAWO staff are scheduled to meet with House Judiciary Committee staff on ~~May 25 to discuss amendments to H.R. 1248, a bill to reauthorize the VAWA.~~ (First)

Arizona Border: On May 23, staff from the Office of Legislative Affairs and the Office of the ~~Deputy Attorney General~~ are accompanying the Attorney General, the Deputy Attorney General and Commissioner Meissner to a meeting with Senator Kyl regarding Arizona border issues. In addition, also on May 23, staff from OLA and ODAG are accompanying the Deputy Attorney General to a meeting with Representatives Reyes and Ortiz regarding the increase in prosecutions along the southern border. (First)

H-1B Visas: Last week the House Judiciary Committee passed a bill to increase the number of H-1B visas available for the next three years. H-1B bills are expected to see Senate and House floor action shortly after Congress returns from its Memorial Day recess. (First)

Trafficking in Persons: Two weeks ago, the House passed H.R. 3244, a bill to combat trafficking in persons. On Friday, May 19, Senators Wellstone and Brownback introduced a bipartisan trafficking bill, which is closer to the Administration's position than the House bill.

The Senate bill was discharged by the Senate Foreign Relations Committee, but immediate floor consideration of the bill was blocked by the Judiciary Committee. We are working with

the Judiciary Committee to ensure that all of the language that the Department supports is reflected in the final bill. (First)

Community Prosecutions: On May 23, Deputy Attorney General Holder met with Congressman Marty Meehan to talk about the Department's Community Prosecution Program. (Scott-Finan)

Section 110: Senator Abraham and Representative Lamar Smith have reached an agreement to effectively repeal Section 110 of IIRIRA, which required the Administration to implement an automated entry-exit system at the border. The compromise bill is expected to pass the House this week. (First)

Radiation Exposure: On May 24, the House Judiciary Committee (Hyde, Chair) is scheduled to mark up S. 1515, the "Radiation Exposure Compensation Act Amendments of 1999." The Department has several concerns with the legislation which were expressed to the Committee in a views letter in January. Staff from the Office of Legislative Affairs is working with Democratic Committee staff on amendments that will help address some of our concerns with the legislation. (Pearlman)

Bankruptcy: Prospects for the passage of comprehensive Bankruptcy reform are dimming as Senate Democrats balk at the Republican leadership's handling of outstanding issues. Last week House and Senate Leadership met at a closed door meeting and hammered out some "agreements" to issues that had not been shared with Democrats.

[REDACTED]

(Wilson)

FOIA EXEMPTION (b)(5)

E-Signatures Legislation: Staff from the Department are working closely with the Department of Commerce on the E-signatures bill, which is in conference this week. (Owen)

Obscenity on the Internet: On May 23, the Telecommunications, Trade and Consumer Protection Subcommittee (Tausin, Chair) of the House Commerce Committee is holding a hearing on obscene material available on the Internet. Criminal Division's Deputy Assistant Attorney General Alan Gershel is testifying for the Department. (Owen)

Hearing on Mortgage Lending Abuses: On May 24, the House Banking and Financial Services Committee (Leach, Chair) will hold a hearing on mortgage lending abuses. (Ho)

Campaign Finance Investigation Hearing: On May 24, the Subcommittee on Administrative Oversight and the Courts (Grassley, Chair) of the Senate Judiciary Committee will hold a hearing on the Department's decision not to appoint an independent counsel to investigate the campaign finance issues from the 1996 presidential election. FBI's General Counsel Larry Parkinson and Criminal Division's Public Integrity Section Chief Lee Radek are scheduled to testify before the Subcommittee. (Walter)

Campaign Fundraising Allegations Hearing: On May 25, the House Government Reform Committee (Burton, Chair) plans to hold a hearing on the Department's investigation into campaign fundraising abuses. William Esposito, former FBI Deputy Director, and Criminal Division's Public Integrity Chief, Lee Radek are scheduled to testify before the Committee. (Burton/Tanner)

Internet Critical Infrastructure Protection Act: On May 25, the Senate Judiciary Committee (Hatch, Chair) plans to conduct a hearing on S. 2448, the Internet and Critical Infrastructure Protection Act. Criminal Division's Assistant Attorney General James Robinson is scheduled to testify before the Committee. (Daley)

Online Pharmacy Sales: On May 25, the Oversight and Investigations Subcommittee (Upton, Chair) of the House Commerce Committee will hold a hearing on enforcement of laws governing the sale of pharmaceuticals over the Internet. Deputy Associate Attorney General Ethan Posner is scheduled to testify before the Subcommittee. (Owen)

THE WEEK IN REVIEW

Nominations: The Senate Judiciary Committee has scheduled a nominations hearing for May 25. We, however, have not yet been advised which nominees will be on the hearing.

The log jam on nominations pending on the Senate's executive calendar has been broken. There is a time agreement to begin debate on nominations today, including Timothy Dyk, to be a United States Circuit Judge for the Federal Circuit, and Gerard Lynch, to be a United States District Judge for the Southern District of New York. Roll Call votes will be stacked on Wednesday, May 24; we anticipate that all of the judges, U.S. Attorneys, U.S. Marshals, and Donnie Marshall will be confirmed.

On May 18, the Senate Judiciary Committee met off the Senate floor and approved the following nominations: James Brady, to be a United States District Judge for the Middle District of Louisiana; Mary McLaughlin, Petrese Tucker, Richard Surrick, and Berle Schiller, all to be United States District Judges for the Eastern District of Pennsylvania. Senators Smith and Grassley voted against the Brady nomination. Senators Smith and DeWine voted against the McLaughlin nomination. Senator Sessions abstained from voting for any of the nominees. Senator Hatch stated that he has talked with the leadership and that the floor vote on the Schiller nomination will not take place until after an administrative matter has been cleared up.

On May 15, the nomination of Glenn A. Fine, to be Inspector General for the Department of Justice was sent to the Senate.

On May 9, the nomination of Paul C. Huck, to be a United States District Judge for the Southern District of Florida, was sent to the Senate; and, on May 11, the following nominations were sent to the Senate: John W. Darrah and Joan H. Kefkow, both to be United States District Judges for the Northern District of Illinois; Ricardo Morado, to be a United States District Judge for the Southern District of Texas; Michael J. Reagan, to be a United States District Judge for the Southern District of Illinois; and George Singal, to be a United States District Judge for the District of Maine.

On May 16, the Senate defeated the motion to proceed, by a vote of 41-54, to the nomination of Douglas Hamilton, to be U.S. Marshal for the Western District of Kentucky. (Scott-Finan)

Elian Gonzalez Subpoenas: The Senate Judiciary Committee has held over until this week the subpoena requiring the Department of Justice to provide certain documents related to Operation Reunion. We have agreed to give the Committee limited access to the documents in question. (First)

Oversight/False Claims Act: On May 18, the Subcommittee on Energy and Mineral Resources (Cubin Chair) of the House Resources Committee held an oversight hearing on potentially improper payments by a private organization to federal employees in a False Claims Act case. Civil Division's Deputy Assistant Attorney General Stuart Schiffer and Ken Dodd, Assistant U.S. Attorney (E.D. TX), testified for the Department. (Pearlman)

Hearing on Background Checks: On May 18, the Crime Subcommittee (McCollum, Chair) of the House Judiciary Committee held a hearing on H.R. 3410, a bill to eliminate the requirement that fingerprints be supplied for background checks on volunteers. David Loesch, Assistant FBI Director, testified on behalf of the Department. (Graupensperger)

Ban on National ID Cards: On May 18, the Government Management, Information and Technology Subcommittee (Horn, Chair) of the House Government Reform Committee held a hearing on H.R. 220, legislation that would prevent the federal government from establishing national identification cards or any other universal system of identification. The Department submitted comments on this legislation. (Owen)

United States v. Robert Sweeney: On May 17, staff from the Office of Legislative Affairs and the Executive Office of U.S. Attorneys, accompanied Randall Eliason, Chief of the Public Corruption/Government Fraud Section of the D.C. U.S. Attorney's Office, as he provided a briefing for Congressman Peter Hoekstra on public record information in United States v. Robert Sweeney and United States v. Joseph Morgan. Both cases involve contract employees who were hired by the Department of Education to take care of telephone and computer needs who pled guilty to illegally steering more than \$300,000 worth of equipment to the Education Department employee who was overseeing the work and \$600,000 of fraudulently billed overtime. Both are awaiting sentencing. There are eleven other co-conspirators involved who have not yet been indicted or pled. The Congressman is holding a hearing next week on the Department of Education's financial reporting and ramifications of lack of adequate controls at Education. He advised us that he will let the Department know if he wants to talk to Defendant Sweeney, who is cooperating in the other cases, and that he will not want him at next week's hearing but that he may want him at a hearing in early June. (Scott-Finan)

Indian Affairs Hearing: On May 17, the Senate Indian Affairs Committee (Campbell, Chair) held a hearing on S. 1658, a bill to authorize the construction of a reconciliation place in Fort Pierre, S.D., and for other purposes. Mark Van Norman, Director of the Office of Tribal Justice, testified on behalf of the Department. (Ho)

Indian Arts and Crafts Oversight Hearing: The Senate Indian Affairs Committee (Campbell, Chair) held an oversight hearing for May 17 on the Indian Arts and Crafts Statute, Section 1159(a). Mark Van Norman, Director of the Office of Tribal Justice testified on behalf of the Department. (Ho)

Hearing on Indian Contract Support Cost Bill: On May 16, the House Resources Committee (Young, Chair) held a hearing on H.R. 4148, a bill to make technical corrections to the provisions of the Self-Determination and Education Assistance Act relating to contract support costs and for other purposes. (Ho)

Hearing on Threats Against Federal Law Enforcement: On May 16, the Criminal Justice Oversight Subcommittee (Thurmond, Chair) of the Senate Judiciary Committee conducted a hearing about threats against federal law enforcement agents. Andreas Stephens of the Violent Crime and Major Offenders Section, FBI, and William W. Ledwith, Chief, International Operations, DEA, testified before the Subcommittee. (Graupensperger)